

**MINUTES**  
**KITTY HAWK TOWN COUNCIL**  
**Tuesday, April 2, 2013**  
**Kitty Hawk Town Hall, 6:00 PM**

Agenda

1. Call to Order
2. Moment of Silence/Pledge of Allegiance
3. Approval of Agenda
4. Presentations
  - Jim Snyder, Outer Banks Sporting Events. Economic Impact & Artwork Presentation
  - Students from First Flight High School – Making a Difference in the Community
5. Public Comment
6. Consent Agenda:
  - a.) Approval of March 4, 2013 Regular Meeting Minutes
  - b.) Revenues and Expenses Report for February 2013
  - c.) FY 13-14 Budget for the Government and Education Channels Approval
  - d.) Child Abuse Prevention Month April 2013 Proclamation
  - e.) Reduction of Police Officer Position in the Police Department
  - f.) Acceptance of Donation from Joe Lamb, Jr. & Associates
  - g.) Reimbursement of Building Permit Fee
7. Items removed from the Consent Agenda
8. Planning:
  - a.) Call for Public Hearing: Text Amendment: Proposal to amend Subsection 42-577, Table IV, and Table V of the Kitty Hawk Town Code to increase the allowable number and size of neon “Open/Closed” signs. A public hearing is requested to be scheduled for the May 6, 2013 Town Council meeting.
  - b.) Call for Public Hearing: Conditional Use Permit. Application is for a conditional use permit to establish four (4) wind turbines as part of an electric public utility research project on the Dominion NC Power property at 5300 The Woods Road. The four (4) wind turbines would be 70 feet, 46 feet, 40 feet, and 40 feet in height. The proposed electric public utility research project would also include a ground-mounted array of solar panels, lithium-ion battery system, and public kiosk with information about the project. A public hearing is requested to be scheduled for the May 6, 2013 Town Council
9. New Business
  - a.) Amendment to the Town Code – Chapter 18, Section 18-19, Prohibiting the use of Sky Lanterns
  - b.) Approval of Contracts for East Kitty Hawk Road & Lillian Street Beach Walkovers
10. Reports of General Comments from Town Manager
  - a.) Status of Winks Complaint
  - b.) Cupcake 5k Race
  - c.) Compliment to Joe Cornette and Jason Coletti, Recycling Center Attendants
  - d.) Department of Transportation Presentation on Comprehensive Transportation Plan  
Scheduled for April 12, 2013, 10:30 a.m., Kitty Hawk Town Hall
  - e.) April 23, 2013 Budget Workshop

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11. Reports or General Comments from Town Attorney
12. Reports or General Comments from Town Council – Storm Damage Reduction
13. Public Comments
14. Adjourn

**COUNCIL MEMBERS PRESENT:** Mayor Clifton Perry, Mayor Pro Tem Gary Perry, Councilman Ervin Bateman and Councilwoman Emilie Klutz

**STAFF MEMBERS PRESENT:** Town Manager John Stockton, Town Clerk Lynn Morris, Attorney Steve Michael, Planning Director Joe Heard, Finance Officer Charlene Allen, Fire Chief Lowell Spivey and PW Director Midgett

**MEMBERS ABSENT:** Councilman Richard Reid and Police Chief Joel Johnson

**1. CALL TO ORDER**

Mayor Perry called this meeting to order at 6 p.m. and welcomed everyone.

**2. MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE**

After a moment of silence the Pledge of Allegiance was recited.

**3. APPROVAL OF AGENDA**

**MPT Perry moved, seconded by Councilman Bateman, to approve the agenda. The vote was unanimous, 4-0.**

**4. PRESENTATIONS:**

**Jim Snyder, Outer Banks Sporting Events. Economic Impact & Artwork Presentation**

Lynda Wood thanked council for their support every year since 2006 when the first marathon was held. As a token of appreciation an official Outer Banks Marathon framed poster titled "Joyful Run" and signed by the artist Carolina Coto was presented to the town.

Mrs. Wood said all OBSE are purposefully scheduled during the shoulder season to have the greatest impact on local economic development. The OBSE also organizes and encourages healthy living choices for adults and youths. It supports public education through the Dare Education Foundation and those suffering debilitating diseases and disaster through the Outer Banks Relief Foundation. Last year there were over 10,600 participants registered for the events and forty-eight states and over ten countries were represented. The four major events for 2013

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are The Flying Pirate in April, Storm the Beach in June, OBX Triathlon in September and the Gateway Bank Outer Banks Marathon, Half Marathon, 8k, 5k, and Fun Run in November.

Jim Snyder said the total local estimated economic impact from last year is about \$6.3 million dollars. This is based on 9,122 participants answering questions of where and how long they stayed and how many people were with them. The total 2012 economic impact for Kitty Hawk is \$1.6 million dollars. One hundred percent of the net proceeds are split 50/50 between the Dare Education Foundation and the Outer Banks Relief Foundation.

Mayor Perry thanked the OBSE for all their hard work.

**Students from First Flight High School Civics Class – Making a Difference in the Community**

Students Andrew O'Dell, Arthur Grauer and Aaron Riffe showed a PowerPoint presentation on installing streetlights on NC 12 at the pedestrian crosswalks to help improve the safety of beach goers at night. The proposal calls for the streetlights to be powered by solar panels attached to the posts.

Students Daniel Brake, Brant Ballou and Mick Stanovsek showed a PowerPoint presentation on adding parking at the Lillian Street Beach Access.

**5. PUBLIC COMMENT.** The General Public is invited to address the Town Council on any topic. Please sign up with the Town Clerk before the meeting and when your name is called, come forward and speak into the microphone at the podium. Please limit comments to 3 minutes.

There were no speakers at this time.

**6. CONSENT AGENDA.** Items on the Consent Agenda are considered to be non-controversial, routine in nature or items not requiring a presentation to or discussion by the Town Council in order to consider the item(s). Any item may be removed for discussion by council or by any member of the audience who wants to hear the item presented and discussed.

a.) Approval of Minutes. March 4, 2013 Regular Meeting Minutes. *(An affirmative vote for the consent agenda will approve these minutes.)*

b.) Revenues and Expenses Report for February 2013. *(An affirmative vote for the consent agenda will acknowledge this report.)*

c.) FY 13-14 Budget for the Government and Education Channels. The Government Education Access Channels Committee requests approval by the council of the proposed FY 13-14 budget. *(An affirmative vote for the consent agenda will approve this budget.)*

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d.) Child Abuse Prevention Month April 2013 Proclamation. *(An affirmative vote for the consent agenda will approve this proclamation.)*

e.) Reduction of Police Officer Position in the Police Department. *(An affirmative vote for the consent agenda will reduce the number of positions in the department from 19 to 18 full time employees.)*

f.) Acceptance of Donation from Joe Lamb, Jr. & Associates. A donation of \$200 was given to the police department. It will be used for presentations related to Internet Safety and Cyber Bullying. *(An affirmative vote for the consent agenda will acknowledge and accept this donation.)*

g.) Reimbursement of Building Permit Fee: The Planning & Inspections Department is requesting reimbursement of \$67.20 to local contractor Forrest Seal for the building permit fee associated with construction of a public shelter at Dare County's dog park. The construction of the shelter is an Eagle Scout project for Liam Kinney. Mr. Seal will be overseeing the project.

**MPT Perry moved to approve the consent agenda as promulgated. It was seconded by Councilman Bateman and the vote was unanimous, 4-0.**

**7. ITEMS REMOVED FROM THE CONSENT AGENDA**

No items were removed.

**8. PLANNING:**

a.) Call for Public Hearing: Text Amendment: Proposal to amend Subsection 42-577, Table IV, and Table V of the Kitty Hawk Town Code to increase the allowable number and size of neon "Open/Closed" signs. A public hearing is requested to be scheduled for the May 6, 2013 Town Council meeting.

b.) Call for Public Hearing: Conditional Use Permit. Application is for a conditional use permit to establish four (4) wind turbines as part of an electric public utility research project on the Dominion NC Power property at 5300 The Woods Road. The four (4) wind turbines would be 70 feet, 46 feet, 40 feet, and 40 feet in height. The proposed electric public utility research project would also include a ground-mounted array of solar panels, lithium-ion battery system, and public kiosk with information about the project. A public hearing is requested to be scheduled for the May 6, 2013 Town Council

**Councilwoman Klutz made a motion to call for a public hearing on May 6<sup>th</sup> regarding the proposed text amendment to increase the allowable number and size of neon "open" signs and to set a public hearing on May 6<sup>th</sup> to consider a conditional use permit applicant to establish four wind turbines as part of an electric public utility research project on the**

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**Dominion NC Power property at 5300 The Woods Road. MPT Perry seconded the motion and it passed unanimously, 4-0.**

**9. NEW BUSINESS**

**a.) Amendment to the Town Code – Chapter 18, Section 18-19, Prohibiting the use of Sky Lanterns**

Manager Stockton said the use of sky lanterns is a possible fire hazard for properties and buildings and prohibiting their use is allowed under North Carolina General Statutes 160A-174 and NC General Statute 160A-183. A recommendation has been made to remove the word “miniature” from the definitions section making any size sky lantern prohibited.

MPT commented he brought this up at a recent Tourist Bureau meeting. He asked if it would have any impact on the wedding industry and other occasions where the lanterns are used and the general consensus was the safety hazard outweighed any impact and they did not foresee it as an impact. He then questioned why this would not be applicable to town sponsored events. Why it exempts the town from a hazardous activity.

Councilwoman Klutz said she had the same question and thought it might be the town would take appropriate safety precautions as with a town sponsored fireworks display.

MPT Perry said in this particular case he is still concerned about a lit rice balloon in the air with nothing controlling it. **He then made a motion to approve the ordinance with two amendments. Remove the word “miniature” from the definition of sky lantern and the other is to remove item (c) the provisions of this section shall not be applicable to town sponsored events. Councilman Bateman seconded the motion.**

Councilwoman Klutz asked the manager why he thought the town was exempt and Manager Stockton replied this is a model ordinance from another town and there is no problem taking out that part.

**Vote was unanimous, 4-0. (Ord. No. 13-02)**

**b.) Approval of Contracts for East Kitty Hawk Road & Lillian Street Beach Walkovers**

Manager Stockton said bids were solicited for the crossover at East Kitty Hawk Road and Lillian Street. The bids were opened today and the lowest and best bid is recommended to be awarded to Lyn Small Incorporated for the East Kitty Hawk Road beach crossover in the amount of \$11,200 and to Lyn Small Incorporated for the Lillian Street beach crossover project with a low bid of \$41,500. There is a CAMA grant in the amount of \$43,548 to pay for 75% of the estimated cost of engineering and construction and \$57,866 was budgeted for the two projects. The amount budgeted for engineering was \$11,275 which left \$46,591 for construction. The

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total of the two lowest bids is \$52,700 which creates a shortfall of \$6,109. Albemarle and Associates are working with the contractor to try to adjust the design and believes about \$3,000 of the shortfall can be saved.

MPT asked if staff is still trying to get the matching grant for the town's portion from the county nourishment fund and Manager Stockton replied yes.

**MPT Perry moved that the town manager be authorized to award a contract to Lyn Small, Inc. for the purpose of constructing a beach crossover at East Kitty Hawk Road and NC 12 for the low bid price of \$11,200 and a beach crossover at Lillian Street and NC 12 with a low bid price of \$41,500. Said funding to come from account 5580 buildings and structures. He added that the Lillian Street costs more because it is ADA accessible. Councilwoman Klutz seconded the motion and it passed unanimously, 4-0.**

**10. REPORTS OR GENERAL COMMENTS FROM TOWN MANAGER**

**a.) Status of Winks Complaint** – Manager Stockton said the complaint has been filed but believes it has not been served by the Sheriff's Office. When it is served they have 30 days to answer the complaint and an additional 30 days can be granted by the clerk of the court.

**b.) Cupcake 5k Race** – Manager Stockton asked council for permission to grant a half day off for employees who participate in the upcoming Cupcake 5k race this year as was done last year. The race is sponsored by the OBX Hospital and there is a competition between the towns. The race this year benefits Relay for Life. Everybody is encouraged to participate and thus far about 48% of the town employees will be participating.

There was a council consensus to grant the half day off for participants.

**c.) Compliment to Joe Cornette and Jason Coletti, Recycling Center Attendants** – Manager Stockton said he recently received a letter from Hugo Lee congratulating Joe Cornette and Jason Coletti for their outstanding performance in dealing with all the people who visit the Recycling Center. Mr. Lee uses the facility quite often and he said Mr. Cornette and Mr. Coletti always assist him with off-loading his recyclables and they are very courteous.

**d.) Department of Transportation Presentation on Comprehensive Transportation Plan** - Manager Stockton announced the presentation by NCDOT on the Comprehensive Transportation Plan is scheduled for April 12, 2013, 10:30 a.m., Kitty Hawk Town Hall. They will be giving a presentation on the possible use of medians on US 158. They are inviting boards and staff members from all the other localities to attend the presentation.



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e.) **April 23, 2013 Budget Workshop** – Manager Stockton said a workshop is scheduled for April 23rd and asked if council wanted to hold it later or wait until the May 21<sup>st</sup> scheduled workshop. Staff has not received final figures from the county concerning property assessments

Mayor Perry suggested making a decision on the date at the May council meeting.

**11. REPORTS OR GENERAL COMMENTS FROM TOWN ATTORNEY**

There were no items.

**12. REPORTS OR GENERAL COMMENTS FROM TOWN COUNCIL**

**Storm Damage Reduction**

**MPT Perry read aloud the following:** *Questions have come up concerning whether the town is doing anything in reference to storm damage reduction in the area of our beaches and between the highways. Town staff recently published information related to that subject.*

*Let's explore the subject further tonight. Town involvement in the Shoreline Management Commission was instrumental in a beach nourishment Occupancy tax policy that allows more than the single purpose of pumping sand and more fairly makes available the money for all towns as well as the county. Thus town involvement in storm damage reduction of our beaches has been ongoing for years.*

*At this point in time, town staff, at direction from council, has explored all known options for the processes to rebuild beaches and/or removal of flood water after a storm. Specifically I refer to beach nourishment, pumping flood water or outfall installation.*

*We are now at a point where to do any options, including the study necessary to know if an option is feasible, funding must be accrued. It is therefore time to determine if property owners in Kitty Hawk are ready to pony up the funding mechanism required to start the research needed to determine the long and short term solutions for our issues.*

*In case you think the current ad valorem tax rate you pay is sufficient to pay for a study, permitting, or installation of any of the known options, let me give you the stark truth. What you currently pay is barely sufficient to meet the governmental services provided by the town. Further, the ocean side property values are insufficient to pay for the most expensive options you might prefer. For example: Before this most recent revaluation the total assessed value of oceanfront property was estimated at \$65 million. Raising the tax one penny only raises \$7,000. Value of property between the highways was \$459 million. Raising the tax one penny in that section raises only \$46 thousand dollars. I have not gone into all the variables possible, but*

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*suffice it to say outside sources of funding are required to fund any major effort at storm damage reduction in Kitty Hawk.*

*Now it is time to discuss special taxes within special tax districts dedicated to the problem at hand. It is time for council to publically discuss the two methods permitted by North Carolina Statute. Let me start with a brief discussion of each. The town attorney has been previously provided a list of questions on the subject so he can correct any misunderstandings I may have in my reading of the law.*

*First, is a municipal service district. A special tax district set in motion by public hearing that involves mass mailing to all property owners in the proposed district and describes the purpose, tax rate and legal information as required by North Carolina Statute.*

*The other is a special tax via voter referendum. Essentially for the same purpose as a service district but in a form similar to this: Shall the Town of Kitty Hawk be authorized to levy annually a property tax at a rate not in excess of \_\_\_\_\_ cents on the one hundred dollars value of property subject to taxation for the purpose of \_\_\_\_\_. In this case storm damage reduction.*

*Please note that the hearing on a municipal service district allows all affected property owners to have input whereas the voter referendum effectively puts the question and answer to resident voters.*

*Now, before I turn this to council discussion there are some questions the attorney needs to answer and I am going to read these from my email.*

*Steve. Question number one. A special service district involves all property owners in the district by a mass mailing and public hearing. Was I correct?*

**Michael:** *That is correct and what has to come is a map that shows what the district is and at least four weeks before any public hearing is conducted there has to be a mailing to all of the registered property owners on the tax scrolls advising them of what is coming down the pike. You have to send it to every one of them.*

**MPT Perry:** *Question number two. A voter referendum involves only resident voters and involves the whole town being taxed at the desired rate but for a dedicated specific purpose. Is that correct?*

**Michael:** *That is correct. That is one way to do it.*

**MPT Perry:** *But it involves the whole town.*

**Michael:** *It would involve the whole town if you were voting to impose a tax rate on the whole town.*



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**MPT Perry:** *All right. In order to break the town up into smaller districts you almost have to go to the hearing side. Is that correct?*

**Michael:** *Right. If you are going to set up a special district and you want to have a tax that applies only in that special district then, yes, you have to create that district. The town could have a referendum to vote and tax everybody in the town to do the storm damage reduction.*

**Klutz:** *When Nags Head did it didn't they have a referendum that involved both the special district and the residents only?*

**Michael:** *That is right. They went ahead and set up the special district in, I believe, 2007. And then they tried to get the people in that special district to petition to impose a special levy and I think you had to have 2/3's of the residents and 2/3's of the assessed property value and they did not get that number. So then they went the referendum route and that did not work so they went and did the special tax district and issued some general obligation bonds as well.*

**Mayor Perry:** *They did the special tax district on the ocean area through the letter writing and public hearing.*

**Michael:** *That is correct.*

**Klutz:** *So they in effect set up for the beach people what you are describing here as a municipal service district.*

**Michael:** *They actually have two districts and I think they are treated the same. At least that is my understanding.*

**Klutz:** *Municipal service district is different from a special tax district?*

**Michael:** *They are one and the same thing.*

**Bateman:** *If you set this up can you do a graduated district where you would have on the oceanfront one percentage and then back ...*

**Michael:** *You would have to create separate districts to treat them differently.*

**Mayor Perry:** *In order to do that you still have to do the letter writing and the public hearing instead of a referendum.*

**Michael:** *Right.*

**Mayor Perry:** *A referendum would cover everybody the same.*

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**Michael:** *And the combined tax rate, the ad valorem rate that you already collect and any special tax in the service districts cannot exceed \$1.50 per hundred combined. If you are going to go past \$1.50 combined you have to have a referendum to get it approved. It is a pretty big number but that is statutory unless the voters approve going to a higher number.*

**Mayor Perry:** *But if you have a special tax district and you did it between the highways, or from 158, and then if you added on an extra tax for the rest of town ... at some point say you added a couple of extra cents and used it for that, you would not have to do anything different.*

**Michael:** *No. You can do that.*

**Mayor Perry:** *That would eliminate having to do this. I think that is what Nags Head did.*

**Michael:** *For the special district you have to do the mass mailing and the public hearing. For general town obligations you can raise the tax rate and use those revenues. That is one of the purposes that the town has the ability to raise general revenues to do as well.*

**Klutz:** *The other question I have is if you set up this special tax district and it is for the purpose of flood damage prevention that money cannot be used or transferred to the general fund for anything else.*

**Michael:** *That is correct.*

**Klutz:** *The people who would be affected by it can feel confident this is what it is for, they are getting taxed extra for it, it applies to them and nobody is going to tinker with it.*

**Michael:** *That is what the statute says the money is for.*

**MPT Perry:** *What you just said about raising ad valorem to also put into ... doesn't designate it to that dedicated purpose. You might do it on your own doing but a following council can do whatever they want.*

**Mayor Perry:** *That is right. That would be something different. That would just be a tax raised ... ad valorem tax that you dedicate some of it in the budget.*

**Klutz:** *If you did that and set it aside like we do for the IT and for all of those things ... we can change those at any time.*

**Mayor Perry:** *We could change it. This you could not. It would be just like the road tax we get. That is set aside for roads period.*

**Michael:** *And when you set up a special tax district you can change what you tax people every year and you can skip years. You do not have to tax every year. You have flexibility. The statute*

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*provides that once you start taxing people you have to start letting contracts to use that money within a year. The levying of the taxes is the triggering event for that one year requirement to start the work on the project.*

**Mayor Perry:** *But if you tax, use it for engineering and then waited for other things you would not necessarily have to tax the next year for construction until you found out about construction.*

**Michael:** *You could say no taxes this year in the district although I suspect ...*

**Mayor Perry:** *You have to get a district set up in order to get started.*

**Michael:** *That is correct. In setting up the district you get to say when the district is actually created. If you wanted to set one up in 2015 you could do that.*

**Mayor Perry:** *And you would not have to tax it until you decided it was time to tax it.*

**Michael:** *That is correct.*

**Mayor Perry:** *We have been at this since '93 and thought we had some of the problems fixed and then legislature just cut us out. Environmental problems.*

**Michael:** *The only other thing I would add is that when you decide to tax it has to start with the fiscal year. You cannot tax for part of a fiscal year.*

**MPT Perry:** *You can hold the hearing any time. If you do a referendum then there are specific times when you have to do that. It cannot interfere with some other things but...*

**Klutz:** *Depending on what you are doing ... a single tax district for instance between 158 and NC 12 might not make sense for some flood damage prevention efforts as opposed to others. For instance if you are doing an ocean outfall and that certainly is a big player between the highways, but if you are doing beach nourishment that is a little more of a positive impact on the oceanfront properties and some of the properties on the west side and for the whole district in terms of if it works there will not be as much flooding or maybe even a need for an outfall. Do you have to, ahead of time, figure out district within district or is that something you should do when you come up with what projects you are going to try to deal with?*

**Michael:** *There is a certain amount of base planning that has to go on before you do any of this and you need to have some idea of what goals you want to accomplish. You need to have some idea about the cost and how long it is going to take to do the project that you want to do and then you have to identify the area that is going to benefit from it. What is going to be included in that special service tax district. There is a lot that goes into it. Then you send out the mass mailing to the identified folks who are going to be in the district and you may get people at a public hearing that say they should not be in there for some reason or there may be people who say they*

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*should be in it. Not many of them would volunteer probably with that. And your plans may change at that point in time. It allows for flexibility but once you have set the district that is pretty much it. You can change it in the future if you need to but you have to go through the same process again.*

**Mayor Perry:** *Can you tax portions of it that would only ... in other words if you are putting an outfall in, I think that is what she is getting to, and it only affected half of the district ...*

**Michael:** *Everybody in the district would have to be taxed the same just like it is for property taxes in the town.*

**Klutz:** *Nags Head had gradations from the oceanfront. I think three ... I am not sure for their project.*

**Michael:** *I am not sure exactly. I know they had at least two special tax districts. I do not know exactly how they set theirs up. But within a district everybody has to be taxed the same.*

**Klutz:** *Before we actually go to the public hearing for something like this we really need to do some homework to figure out just how many districts or what ...*

**MPT Perry:** *You have to have a map to start. Council would have to decide what the district would encompass, a map, and then all of the property owners would have to be involved. A district involves out of town people whereas a referendum does not and that is the big difference in my mind. I am going to move on to question three which kind of fits in with what you were mulling over. Whichever method is chosen, the town could properly, legally, declare the use to be for storm damage reduction so the monies could be used for the variety of ways currently under consideration ergo outfall, or pumping station, or beach nourishment and so on and so forth. Is that a correct statement?*

**Michael:** *Yes, and if you look at the statute there are several things you can do. Beach erosion control and flood and hurricane protection works and drainage projects. All of those fall under that umbrella. That was two categories but you can combine them into one district and do those projects.*

**Mayor Perry:** *Any way to get rid of the water or to keep it from coming in.*

**Michael:** *That is right. You have storm damage prevention and then you have the drainage. How do we get rid of it?*

**Mayor Perry:** *That is the goal. Keep it out or try to get rid of it as soon as possible. It is confusing trying to go back and do this all over again but that is where we are. There is a lot of information that people don't know that has been done. The Corps of Engineers information said we did not qualify for most of our town for beach nourishment at the time. They did not*

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*qualify us and that federally cut us out of the system although I do think the system ... we asked them to go back and study, before the federal government said no more beach nourishment, I think it would have qualified us for beach nourishment all the way through Kitty Hawk because they did not take into consideration the price of the road replacement and they did not take into consideration the houses on the west side without access if the road was gone. So there were a lot of things that should have been done that were not done that the Corps of Engineers was going to do and did not do because legislature said we are not doing any new projects. And there is a lot of information that has gone through that I think we can do some of the things we could not do before. I think things have eased up to a point maybe we can get some things accomplished. We have had a lot of storms in the last few years that have brought water in. When I looked at what happened in New Jersey and New York I was thinking we can do all of this stuff but if we ever get the storm that has never come here, that went there, the way it went there, none of it will make a difference because it will do away with all of it. You have that to think about to. And then there is the sound side flooding which came two years ago. History never told us it has been that bad before. Nobody has seen it that high before. How do you solve all of the problems? We do need to in my opinion. We do need to work on the beachfront and try to stop what we have to deal with on a routine basis with northeasters and those types of things. That is my statement.*

**MPT Perry:** *If most of what we have discussed here tonight is correct we need to do something and it seems to me that council should at least start the general rough research of exploring outfall potentials. Use the existing data we have from the flood study that was done because that gives us topography and those sorts of things. That is one thing we can do. We already have the study for the pumping of the flood waters and Rabbit Hollow and we need to take it one step further on deciding. At our next meeting we need to start thinking about if we are going to set up a district. An outfall costs roughly a million dollars. Pumping is costing nearly that much as often as it is and it takes a long time and it causes more toxins than we want to put out there. With beach nourishment you are looking at twenty plus million dollars and you have to at least study it first. Kitty Hawk, and I have reported this before, is split in two places. South of Historic Street are some easements that have been granted for beach nourishment but we have nothing north of there so you have to go through all of that drill. You are talking money you must have just to start the process. We do not have it. Our current ad valorem will not support it and we need to start making decisions on that. We do not have enough time to even set up a district now and do it properly without rushing. We could do it but I do not see that happening before the fiscal year and you cannot start the process of collecting for it even if you do the special the hearing assuming everybody wants it.*

**Klutz:** *That is a big assumption. I live on the beach and I think a lot of people just don't want any of this done. Everything we hear in emails and the other comments we get are people that are in favor of it and I would say a lot has changed. Gary made the point that since Nags Head did their project there has been over the years ... I have heard so many people think that beach nourishment would not work and I know Kitty Hawk has some differences in terms of a bottom and all of the other things that go into making for a successful project but going ahead with this*



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*public hearing I think is going to be something we need to do. To hear from all of the property owners because my feeling is that with all of the problems they have had recently they are going to be in favor of setting up the district and they would be willing to pay for something they think would alleviate some of the hardships that have been over there for a lot of the smaller storms. But I am just not sure that that is going to be the outcome and I really would like to hear from everybody.*

**Mayor Perry:** *If we go ahead with the map, have the information we need, send them the information and I guess they can send back in writing or come to the public hearing. We are not forcing anything on anybody. Give them the opportunity to say yes or no and whatever that outcome is, is what we are left with. It is not like we are saying you have to do it or you don't have to do it. This is the information, this is what it is for and that solves the problem. We either get it or we don't. If we had the one cent tax for beach replenishment ... which failed county-wide. There is a one cent Occupancy tax that has never been put in place and if we had those two things going, in my estimation, is the best way to raise the money to do what is needed up and down the whole beach. But I cannot make it happen.*

**Klutz:** *I do not know what the outcome will be. I think it is going to be yes we will pay for this because ...*

**Mayor Perry:** *You are over there. You have more input and knowledge of it than I do. I don't see why it would be negative in pursuing it, to let the people have a say. That is my opinion.*

**Klutz:** *That is how I feel about it too.*

**Bateman:** *They have to have a say. I agree with that. The other night I was asleep and woke up around 2 o'clock in the morning. There was some man talking on the TV about in 1932 there were major northeasters and in '33 there were hurricanes, one in August and one in September, that killed 21 people. Like you said about New Jersey, it knocked the tar out of the Outer Banks. And the man talked about how President Roosevelt came here and sent many men down here to build a dune line. The idea was to create some breakwater between the ocean and the inhabitants. There were no dunes here before 1933. It was flat. They built dune on top of dune on top dune by building little ... like teepee's and putting sticks between them. The northeast wind would come and blow the sand on there and they would build the dunes. He had a great idea to do that and that is how we have the dune system now. We are going to get another storm and my point is ... and I know I am not preaching to you ... I am in the tourist industry. What makes our tax base is the tourist. What put the hospital down there were the tourists. Tourists come down here, they spend money, we build houses, and we build our vacation homes, our police departments. Everything we have is based on the tourist industry. They are not going to keep coming here when they go to the beach in front of the Black Pelican and they walk over the dune and drop ten feet down to nothing. Go to the Black Pelican, walk out to the beach and as you walk over the dune it goes down to nothing and there is water there. There is no beach anymore. It is completely gone.*



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*My other thing is at least get it to the people so they can say they want it. And I am talking about all the people. Not a referendum on a ballot for just the voters because the people who own cottages down here are just as darn important as the people who live in Kitty Hawk village. They are all important here. But their tax dollars are going to help pay for this if we do it. So I say put it out there. We have to do something.*

*I'll tell you what this man told me. He was in my restaurant and he said he was probably not going to come back here anymore and I thought he was just mad about me or got a bad meal or something. That is the worst thing in the business. He said he loved me to death, the crab bisque was the best ever but he said he cannot get to Ocracoke, he can't get to Hatteras, he can't get to the point on Oregon Inlet to go fishing and there is no beach in Kitty Hawk. There is nothing for him here anymore. It has been taken, why are they going to come back? We have to do something and I am saying let it rip. Gary, do what you do best. Emilie, get this done. Let's get it to the people and do something quick.*

**Mayor Perry:** *To give you a bit more history, in 1962, the storm that came then took all the dunes that you are talking about and put them between the highways. There were not any houses over there between the highways. The state and federal government then took bulldozers and went from one end of the beach all the way to the Virginia line and built the dunes back. That is where those dunes came from. Before that water just washed over back and forth. It was a swamp between the highways.*

**Klutz:** *It is now too.*

**MPT Perry:** *All right. We are preaching to a choir so I am going to make a suggestion and my suggestion is to think on this special district and let's start talking about that in a serious fashion at the next meeting. In the mean time we have a topography and storm study that can be useful in at least looking at whether or not an outfall is feasible. How many it would take, those sorts of things. And I would like for us to direct John to start looking at that with our engineer. Basically to find out what is feasible and whether or not that can be done. The reason that has changed is because there is a change of leadership in the legislature and we have been told to submit a rough outline of something that looks like it should work, with a valve type system to only be used during crisis situations. Myrtle Beach, and apparently New Jersey, I believe you said it was New Jersey, have also done outfalls but they are running them very long offshore. In other words they are getting them well away from the beach so that you don't run up against the swimming problems. If you do those things then it is looked at in a different light than it used to be looked at. It takes a lot of engineering, takes some study. We have the background to do a general overview and that is what I would like council to direct the manager to do.*

**Mayor Perry:** *And we have most of what an outfall in one place ... I mean we have already got the drawings and everything done for that I think. There are some things we would have to change but I mean the concept is there. There are some inlets that need to go into it. That is not*

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*in it. I would think staff needs to go ahead and start working on this map so when we come back at the next meeting we have something to look at.*

**Stockton:** *We have been working on that. Can I get that out to council? Let you look at it.*

**Mayor Perry:** *At the next meeting we will have something to say if this is where we want to go and then we can get the letters written and start the ball rolling. Doesn't mean we are going to tax anybody, means we will give them an opportunity for us to do something if we get an opportunity through the state now that we can do something.*

**Bateman:** *I agree.*

**Mayor Perry:** *The district will be there and then it won't be there if they don't want it. There is no pressure on anybody.*

**13. PUBLIC COMMENT**

**Donny King:** *I want to thank you very much for looking into these matters.*

\_\_\_\_\_ : *Where is this current outfall that you mentioned?*

**Mayor Perry:** *If you would come up here ... there is no current outfall.*

\_\_\_\_\_ : *Oh. Okay. Because I thought you said there is.*

**Mayor Perry:** *There was one that was engineered. It was engineered by NCDOT to be near Noland Company down 158 to the beach but it was killed by legislature after it was approved. I think CAMA had approved it.*

**Bateman:** *They also had the permits but it was killed.*

**Mayor Perry:** *Anyway that is the type of things we've been ... anybody else?*

**Michael Montiel:** *I want to thank you as well for at least looking into it. We felt it was not being looked at. From Kitty Hawk pier down to Eckner you almost have to walk underneath the houses just to get down the beach. At this point a lot of folks I know between the highways it is a crisis. Every time this happens it is \$30,000. Some folks say that is the price of doing business on the oceanfront and I for one built in a hole there at Rundown Café. I certainly have empathy for the folks that are back of the dune line at Sea Scape and Tamarack ... why would I want to pay a higher tax to see the dune line or the beach fortified but it is ... it begs the attention to study and I am just thrilled to be here and hear you talk about it. I was here at the Hazardous Mitigation meeting in 2003 and we talked about a lot of different things we could do to mitigate*

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*damage whether it be to compartmentalize the beach or the areas between the highways ... to have certain areas where you can pump out at certain points. Thank you for your attention.*

**Debbie Burgess:** *I do not have a business on the beach road and I live in Kitty Hawk village. I am very much in support of doing something to save our beaches so I don't think it is just the people on the beach that are concerned. Just because I don't live there I still enjoy it and I think we need to do something. I am also in favor of you looking at this seriously.*

**Mayor Perry:** *Anybody else?*

**Donny King:** *I stopped myself earlier. I didn't know if I was able to ask a question of you or the attorney in relation to the plan that you were just ... is it possible to ask a question?*

**Mayor Perry:** *If you come up here I will see if I can understand what you are saying. The attorney may not answer but ...*

**Donny King:** *We began this conversation talking about taxes and what is eventually going to be necessary to alleviate or help with these issues. As you went further and talked about the taxes you talked about tax districts and they were geographical. Stakeholders are distributed in a lot of different manners and I am wondering if it is possible to set up these special tax districts as in terms of use, whether it be rental properties, commercial properties, or residential.*

**Mayor Perry:** *No.*

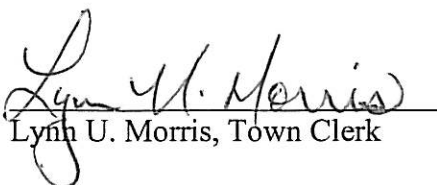
**Donny King:** *It is simply not possible. Okay. So we will be working on the maps. Thank you.*

**Mayor Perry:** *Anybody else? Motion to adjourn?*

**14. ADJOURN**

**MPT Perry and Councilman Bateman both provided "so move" to adjourn. (There was no second.) Vote was unanimous, 4-0. Time was 7:27 p.m.**

These minutes were approved at the May 6, 2013 council meeting.

  
Lynn U. Morris, Town Clerk

  
Clifton G. Perry, Mayor